IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6890 of 1994

For Approval and Signature:

HONOURABLE MR. JUSTICE B.J.SHETHNA
HONOURABLE MR.JUSTICE M.C.PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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IQBALHUSSEIN M. MALIK - Petitioner(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR IQBAL M MALIK for Petitioner(s) : 1,
MR SP HASURKAR, AGP for Respondent(s) : 1 - 2.
LAW OFFICER BRANCH for Respondent(s) : 2,
MR JB PARDIWALA for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE B.J.SHETHNA
and
HONOURABLE MR.JUSTICE M.C.PATEL

Date : 04/04/2006

ORAL JUDGMENT
(Per : HONOURABLE MR. JUSTICE B.J.SHETHNA)

The petitioner is an advocate. He had initially filed this petition through his advocate who has expired. Therefore, today, he has preferred to address

the court as party-in-person.

2. Shri Malik submitted that having been appointed on the post of Assistant Judge in the Gujarat State Judiciary, the respondents – High Court and the State of Gujarat committed grave error in cancelling his appointment order only on the ground that he was suffering from a serious disease like Schizophrenia. He has also tried to submit on merits of the case but in the fitness of things, we have decided not to go into the merits of the case and dispose of this petition only on the ground that the petitioner is at present 57 years old, just near the age of superannuation, therefore, he cannot be reinstated in service. There would have been different consideration if the matter was heard immediately after it was filed.

3. Expressing any opinion on the merits may come in the way of the petitioner in his career as a lawyer. Hence, without going into anything, this petition is disposed of. Rule discharged. No costs.

(B.J. Shethna, J.)

(M.C. Patel, J.)

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